

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GLORIA KELLAM
7132 Greenway Avenue
Philadelphia, Pennsylvania 19142

Plaintiff

v.

JACKMONT HOSPITALITY
d/b/a TGI FRIDAYS
The Equitable Building
100 Peachtree Street
Suite 2200
Atlanta, Georgia 30303

and

JACKMONT HOSPITALITY
The Equitable Building
100 Peachtree Street
Suite 2200
Atlanta, Georgia 30303

and

ATLANTA RESTAURANT
PARTNERS, LLC
The Equitable Building
100 Peachtree Street
Suite 2200
Atlanta, Georgia 30303

and

ATLANTA RESTAURANT PARTNERS,
LLC d/b/a JACKMONT HOSPITALITY
The Equitable Building
100 Peachtree Street
Suite 2200
Atlanta, Georgia 30303

NO:

COMPLAINT AND JURY DEMAND

and :
:
ATLANTA RESTAURANT PARTNERS, :
LLC d/b/a TGI FRIDAYS :
The Equitable Building :
100 Peachtree Street :
Suite 2200 :
Atlanta, Georgia 30303 :

Defendants :

CIVIL ACTION - COMPLAINT

THE PARTIES

1. Plaintiff, **GLORIA KELLAM**, is a citizen and resident of the Commonwealth of Pennsylvania, and resides at 7132 Greenway Avenue, Philadelphia, Pennsylvania 19142.

2. Defendant, **JACKMONT HOSPITALITY d/b/a TGI FRIDAYS**, is a Georgia corporation with an address for service in the State of Georgia at The Equitable Building, 100 Peachtree Street, Suite 2200, Atlanta, Georgia 30303.

3. Defendant, **JACKMONT HOSPITALITY**, is a Georgia corporation with an address for service in the State of Georgia, The Equitable Building, 100 Peachtree Street, Suite 2200, Atlanta, Georgia 30303.

4. Defendant, **ATLANTA RESTAURANT PARTNERS, LLC**, is a limited liability Florida company incorporated in the State of Florida with an address for service in the State of Georgia, The Equitable Building, 100 Peachtree Street, Suite 2200, Atlanta, Georgia 30303.

5. Defendant, **ATLANTA RESTAURANT PARTNERS, LLC d/b/a JACKMONT HOSPITALITY**, is a limited liability Florida company incorporated in the State of Florida with an address for service in the State of Georgia, The Equitable Building, 100

Peachtree Street, Suite 2200, Atlanta, Georgia 30303.

6. Defendant, **ATLANTA RESTAURANT PARTNERS, LLC d/b/a TGI FRIDAYS**, is a limited liability Florida company incorporated in the State of Florida with an address for service in the State of Georgia, The Equitable Building, 100 Peachtree Street, Suite 2200, Atlanta, Georgia 30303.

7. At all times material to this Civil Action, Defendant, **JACKMONT HOSPITALITY d/b/a TGI FRIDAYS**, acted or failed to act by and through its agents, servants, workmen and/or employees who were then and there acting within the course and scope of their employment and in furtherance of Defendant, **JACKMONT HOSPITALITY d/b/a TGI FRIDAYS'**, business.

8. At all times material to this Civil Action, Defendant, **JACKMONT HOSPITALITY**, acted or failed to act by and through its agents, servants, workmen and/or employees who were then and there acting within the course and scope of their employment and in furtherance of Defendant, **JACKMONT HOSPITALITY'S**, business.

9. At all times material to this Civil Action, Defendant, **ATLANTA RESTAURANT PARTNERS, LLC**, acted or failed to act by and through its agents, servants, workmen and/or employees who were then and there acting within the course and scope of their employment and in furtherance of Defendant, **ATLANTA RESTAURANT PARTNERS, LLC'S**, business.

10. At all times material to this Civil Action, Defendant, **ATLANTA RESTAURANT PARTNERS, LLC d/b/a JACKMONT HOSPITALITY**, acted or failed to act by and through its agents, servants, workmen and/or employees who were then and there acting within the course and scope of their employment and in furtherance of Defendant,

ATLANTA RESTAURANT PARTNERS, LLC d/b/a JACKMONT HOSPITALITY'S,
business.

11. At all times material to this Civil Action, Defendant, **ATLANTA RESTAURANT PARTNERS, LLC d/b/a TGI FRIDAYS**, acted or failed to act by and through its agents, servants, workmen and/or employees who were then and there acting within the course and scope of their employment and in furtherance of Defendant, **ATLANTA RESTAURANT PARTNERS, LLC d/b/a TGI FRIDAYS**, business.

12. At all times material to this Civil Action, Defendants, **JACKMONT HOSPITALITY d/b/a TGI FRIDAYS, JACKMONT HOSPITALITY, ATLANTA RESTAURANT PARTNERS, LLC, ATLANTA RESTAURANT PARTNERS LLC, d/b/a JACKMONT HOSPITALITY and ATLANTA RESTAURANT PARTNERS LLC, d/b/a TGI FRIDAYS**, owned, co-owned, leased, co-leased, and individually and/or jointly operated, maintained, possessed, controlled, and were otherwise responsible for the repair, maintenance, upkeep, operation and business practices upon the premises located at 1776 Ben Franklin Parkway, Philadelphia, Pennsylvania.

JURISDICTION

13. This Court has jurisdiction over this matter pursuant to 28 U.S.C. 1332(a)(1) in that "the matter in controversy exceeds the sum or value of \$150,000.00, exclusive of interest and costs, and is between citizens of different States."

VENUE

14. Venue over this action is appropriate in this matter pursuant to 28 U.S.C. 1391(a)(2), in the Eastern District of Pennsylvania in that: – it is where a substantial part of the events or omissions giving rise to the claim occurred.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

15. Plaintiff incorporates by reference the allegations of Paragraphs 1 through 14 of this Complaint set forth herein at length.

16. On or about December 21, 2012, at approximately 4:00 p.m., Plaintiff, **GLORIA KELLAM**, was a business invitee at the premises located at 1776 Ben Franklin Parkway, Philadelphia, County of Philadelphia, Commonwealth of Pennsylvania.

17. At all times material to this Civil Action, and at the aforesaid time and place, Plaintiff, **GLORIA KELLAM**, was descending the stairwell which leads from the upper level of the restaurant. As Plaintiff, approached the bottom of the stairwell, she was caused to slip and fall upon a dangerous and defective condition present upon the premises causing her to sustain severe and permanent injuries and other loses more fully set forth herein.

18. The aforesaid dangerous and defective condition, to wit, a partially wet, dirty, sticky and tacky step area, was so negligently, carelessly and recklessly created and allowed to exist and remain upon the premises by Defendants, **JACKMONT HOSPITALITY d/b/a TGI FRIDAYS, JACKMONT HOSPITALITY, ATLANTA RESTAURANT PARTNERS, LLC, ATLANTA RESTAURANT PARTNERS, LLC d/b/a JACKMONT HOSPITALITY and ATLANTA RESTAURANT PARTNERS, LLC d/b/a TGI FRIDAYS**, acting individually and/or jointly as aforesaid, and/or by and through its agents, servants, workmen and/or employees, causing Plaintiff, **GLORIA KELLAM**, to sustain the severe and permanent injuries and other losses hereinafter more fully set forth herein.

19. The injuries and damages sustained by Plaintiff, **GLORIA KELLAM**, resulted solely from the negligence, carelessness and/or recklessness of the Defendants, **JACKMONT HOSPITALITY d/b/a TGI FRIDAYS, JACKMONT HOSPITALITY, ATLANTA**

RESTAURANT PARTNERS, LLC, ATLANTA RESTAURANT PARTNERS, LLC d/b/a JACKMONT HOSPITALITY and ATLANTA RESTAURANT PARTNERS, LLC d/b/a TGI FRIDAYS, acting by and through their agents, servants, workman and/or employees, and were due in no part to any act or failure to act on the part of the Plaintiff, **GLORIA KELLAM**.

COUNT I

GLORIA KELLAM v. JACKMONT HOSPITALITY d/b/a TGI FRIDAYS, JACKMONT HOSPITALITY, ATLANTA RESTAURANT PARTNERS, LLC, ATLANTA RESTAURANT PARTNERS, LLC d/b/a JACKMONT HOSPITALITY and ATLANTA RESTAURANT PARTNERS, LLC d/b/a TGI FRIDAYS

20. Plaintiff incorporates by reference the allegations of Paragraphs 1 through 19 of this Complaint, set forth herein at length.

21. The aforesaid slip and fall and the injuries/damages sustained by Plaintiff, **GLORIA KELLAM**, were caused solely by reason of the negligence, carelessness and/or recklessness of the Defendants, **JACKMONT HOSPITALITY d/b/a TGI FRIDAYS, JACKMONT HOSPITALITY, ATLANTA RESTAURANT PARTNERS, LLC, ATLANTA RESTAURANT PARTNERS, LLC d/b/a JACKMONT HOSPITALITY and ATLANTA RESTAURANT PARTNERS, LLC d/b/a TGI FRIDAYS:**

- a. allowing and causing a dangerous and defective condition to exist at the aforesaid location, of which Defendants knew or should have known by the exercise of reasonable care;
- b. failing to correct said dangerous and defective conditions which it knew or should have known and which constituted a danger to persons lawfully walking thereon;
- c. failing to keep and maintain the aforesaid stairways, walkways, common areas of the restaurant in a reasonably safe condition for use by business invitees or other persons lawfully upon the premises;
- d. failing to give warning or notice of the existence of the dangerous and defective conditions of said stairways, walkways, and/or common areas of the store to business invitees or other persons lawfully upon the premises;

- e. failing to provide a safe and proper route of travel for Plaintiff, **GLORIA KELLAM** and other business invitees and/or pedestrians proceeding on foot in and along the said stairways, walkways, and/or common areas of the restaurant;
- f. failing to inspect said premises at reasonable intervals in order to determine the condition thereof;
- g. disregarding the rights and safety of the Plaintiff, **GLORIA KELLAM**;
- h. failing to exercise due care under the circumstances;
- i. improperly treating and/or cleaning the area so as to constitute a hazard to business invitees and other persons lawfully present upon the premises;

22. As a result of the aforesaid negligence, carelessness and/or recklessness of the Defendants, **JACKMONT HOSPITALITY d/b/a TGI FRIDAYS, JACKMONT HOSPITALITY, ATLANTA RESTAURANT PARTNERS, LLC, ATLANTA RESTAURANT PARTNERS, LLC d/b/a JACKMONT HOSPITALITY and ATLANTA RESTAURANT PARTNERS, LLC d/b/a TGI FRIDAYS**, Plaintiff, **GLORIA KELLAM**,, suffered severe and permanent personal injuries requiring medical treatment, to the bones, joints, muscles, tendons, blood vessels, and soft tissues throughout her entire body, including, but not limited to her back, legs, knees, ankles, feet, and including, but not limited to, right fifth metatarsal fracture, stenosis at L1-2 with severe tricompartmental stenosis from L2-3 down to L5-S1, surgical procedure consisting of a posterior L1 to S1 decompression with bilateral recess decompression with bilateral foraminotomies and was caused pain and suffering, was prevented from pursuing her usual activities, has permanent disabilities that will affect Plaintiff, and may have caused Plaintiff to sustain other diverse losses and to incur such expenditures for an indefinite period of time in the future, to her great detriment and loss.

23. As a further result of the negligence, carelessness and/or recklessness of the Defendants, **JACKMONT HOSPITALITY d/b/a TGI FRIDAYS, JACKMONT**

HOSPITALITY, ATLANTA RESTAURANT PARTNERS, LLC, ATLANTA RESTAURANT PARTNERS, LLC d/b/a JACKMONT HOSPITALITY and ATLANTA RESTAURANT PARTNERS, LLC d/b/a TGI FRIDAYS, as aforesaid, Plaintiff, **GLORIA KELLAM**, has and will be obliged to receive and undergo medical attention and care and to expend various sums of money and to incur various expenses, and she may be obliged to continue to expend such sums and to incur such expenditures for an indefinite period of time in the future, to Plaintiff's great detriment and loss.

24. As a further result of the negligence and carelessness of the Defendants, **JACKMONT HOSPITALITY d/b/a TGI FRIDAYS, JACKMONT HOSPITALITY, ATLANTA RESTAURANT PARTNERS, LLC, ATLANTA RESTAURANT PARTNERS, LLC d/b/a JACKMONT HOSPITALITY and ATLANTA RESTAURANT PARTNERS, LLC d/b/a TGI FRIDAYS**, Plaintiff, **GLORIA KELLAM**, has suffered agonizing aches, severe physical pains, disability, mental anguish and humiliation and will continue to suffer same for an indefinite time in the future, to Plaintiff's great detriment and loss.

25. As a result of the negligence and carelessness of the Defendants, **JACKMONT HOSPITALITY d/b/a TGI FRIDAYS, JACKMONT HOSPITALITY, ATLANTA RESTAURANT PARTNERS, LLC, ATLANTA RESTAURANT PARTNERS, LLC d/b/a JACKMONT HOSPITALITY and ATLANTA RESTAURANT PARTNERS, LLC d/b/a TGI FRIDAYS**, Plaintiff, **GLORIA KELLAM**, suffered a loss of earnings and earning capacity or may suffer a loss of earnings and earning capacity and impairment of earning capacity and power, and may continue to incur same in the future.

WHEREFORE, Plaintiff, **GLORIA KELLAM**, demands damages against Defendants, **JACKMONT HOSPITALITY d/b/a TGI FRIDAYS, JACKMONT HOSPITALITY, ATLANTA RESTAURANT PARTNERS, LLC, ATLANTA RESTAURANT PARTNERS, LLC d/b/a JACKMONT HOSPITALITY and ATLANTA RESTAURANT PARTNERS,**

LLC d/b/a TGI FRIDAYS, in an amount in excess of One Hundred Fifty Thousand (\$150,000.00) Dollars, plus interest, cost of suit and attorneys' fees.

JURY DEMAND

Plaintiff, **GLORIA KELLAM**, demands a jury trial.

GALERMAN, TABAKIN & WOLFE, LLP

BY: 

RICHARD A. WOLFE, ESQUIRE

Attorney ID No. 78944

Attorney for Plaintiff

261 Old York Road

Post Office Box 645

Jenkintown, PA 19046

(215) 885-4701 - Office

(215) 885-4780 - Facsimile

E-mail: rich@galtablaw.com

Date: 12/11/2014